

THE HOLT ESTATE

Supplemental Report of the Master.

Securities of the Estate Given Through Examination-Loses Incurred to be Borne Equally.

Henry Smith, as master appointed to examine the accounts of the Holt Estate, has submitted the following supplemental report to the court:

MASTER'S SUPPLEMENTAL REPORT.

I now ask leave to file this as a supplemental report to my report filed on the 5th instant:

I have repaired to the office of Bruce Cartwright, trustee, for the purpose of examining all the securities belonging to this estate.

The oldest note is the one given by John D. Holt Sr., mortgagor, for the sum of \$2,000.00, which has been reduced to a balance of \$1,500. It was accepted by the late James W. Austin, the then trustee, on October 6, 1870, and is secured by the mortgagor's \$1,500 policy of insurance on his life issued by the Equitable Society of New York. It appears to the master that this loan is secure, in view of the fact that the trustee pays over to the mortgagor as beneficiary of the estate only what remains of his share of the income in this estate after deducting what is due and owing by the beneficiary to the estate.

The only security which has unfortunately proved a loss to the estate was a mortgage given by one William H. Cummings on some real estate situated in Walluku, Island of Maui. The note for the same was originally \$2,500, and upon foreclosure, the property brought the sum of only \$700, the houses on the land having been secretly sold and removed from the land without the mortgagor's knowledge or consent. After the foreclosure proceedings, a judgment was procured by the trustee against said Cummings, who, it appears, was a Government beneficiary and was drawing a salary, for the balance due upon his note. This judgment enabled the trustee to garnish 25 per cent of Cummings' salary up to the time the new Audit Act went into effect, since which time nothing has been collected upon the judgment, and the sum of \$1,424.65 is now the amount short of the original loan. I find that the mortgage on this loan was accepted February 5, 1892, by the present trustee's predecessor, A. J. Cartwright, who died July 12, 1892. Question: Upon whom should this loan fall? The loan appears to have been made by the deceased trustee in apparently good faith, and another excuse offered is the fact that said deceased trustee was not in a position to personally inspect the real property which was sold, it being situated on the Island of Maui. A previous mortgage was exhibited to the master showing that Messrs. Allen & Robinson, merchants, accepted the same property in security for their loan of \$3,150 to said Cummings, and, in all probability, this transaction was the cause of the late Mr. Cartwright's acceptance of the security offered for a new loan upon the same property; it also shows that the late trustee was a little more prudent than Messrs. Allen & Robinson, for the amount of their loan was \$650 more than Mr. Cartwright's.

The foregoing circumstances were narrated to the master in extenuation, but whether or not they are sufficient to show that the deceased trustee had used more than ordinary care or caution in his acceptance of said loan, it is solely for the court to decide.

Should it be held that the loss fall upon the estate, it is only fair that the same should be equalized among all the beneficiaries to be deducted from the next rent distribution, as follows:

One-third to be borne by James R. Holt Sr. \$ 474 70
One-third to be borne by John D. Holt Sr. 474 70
One-third to be subdivided into nine equal parts and be borne by the heirs of O. J. Holt 474 65

Total deficiency, on Cummings' loan \$1,424 65

And whatever is collected hereafter upon the judgment due by Cummings should be distributed to the beneficiaries in like proportion.

The only bonds owned by the estate are five \$100 denomination in the Oahu Railway & Land Co.'s stock, certificates numbered 154 to 157 inclusive, and one numbered 168.

The largest real estate loan is to one John D. Holt Jr., for the sum of \$9,000, now reduced to \$8,500; it is for three years from March 21, 1898, rate of interest 6 per cent. From the master's personal knowledge of the lands covered by this mortgage, it is safe to report that the security offered for this loan is ample.

I do not feel disposed to report on the sufficiency of the loans made on real estate situated outside of Honolulu. I will report, however, that, as all the mortgages (except the one above mentioned) given by John D. Holt Jr., are past maturity, a sure test of their sufficiency is to require all mortgagors to settle them or give further additional securities, if so it is required by the next trustee.

Following are the loans secured by real estate outside of Honolulu:

J. M. Monarrat, lands in Kona, Hawaii; 7 1/2 per cent, \$ 5,500 00
J. M. Monarrat, lands in Hamakua, Hawaii; 8 per cent, 1,000 00
C. Lily Auld, Molokai lands; 8 per cent, 800 00
H. K. Kane, 5 pieces of land in Maui and 2 pieces of land in Honolulu; 8 per cent, 3,000 00
Mrs. M. K. Keohokalelo, Molokai lands; 8 per cent, 400 00
Robinson Milne, interest in Akupapa of Waipaho, Ma-

ui; 8 per cent, 350 00

Total \$ 9,000 00

Following are the mortgages secured by lands in Honolulu:

James R. Holt Jr., land corner Beretania and Panahi streets, worth, it is said, \$4,000; 7 per cent, \$ 1,500 00
E. Mikalemi, lands in Palama, 2.35 acres; 9 per cent, 600 00
Cushingham, property on Young street; 9 per cent, 325 00
Chris. J. Holt, homestead in Panahou; 8 per cent, 1,500 00
John D. Holt Jr., lands on Fort street and also on Punchbowl street; 6 1/2 per cent, 8,500 00

Total \$12,425 00

15th ANNIVERSARY

Of the Honolulu Branch W. C. T. U.

About Fifty Ladies Present to Hear Reports of Officers and Mrs. Newman's Address.

On Tuesday afternoon about fifty ladies met at the home of the president, Mrs. J. M. Whitney, at the annual meeting of the W. C. T. U. Its fifteenth anniversary. Mrs. Whitney conducted the devotional exercises, giving a very interesting talk upon the hopeful signs of the universal acceptance of the Christ in the world. The encouraging view was first in the peace congress, which would have been impossible a few years ago; second, in the effort which is being made in behalf of temperance and purity. There are just as many saloons and brothels but public sentiment is aroused and awake to the importance of suppressing them or at least by segregation making them less harmful to the social fabric. Again the canteen law was a great step in advance and although the Attorney-General decided against its operation the fact that Congress passed such a law with very little opposition shows that temperance sentiment is getting a strong hold of the people. She spoke of the Dreyfus case as showing that the conscience of the world is keenly alive to injustice. Sympathy for the man and denunciation for his persecutors is the universal feeling. Christian unity is another marked sign of the coming universal peace. Creeds and dogmas are relegated to the dim past and the golden rule is coming to be the only test applied as fitness for church membership. The religion of Christ is embodied in that the fatherhood of God and the brotherhood of man is the religion of today.

The secretary's report was then read showing some very good work done, especially in the Flower Mission department. Thousands of small bouquets each with a scripture card tied to it with a dainty white ribbon have been distributed at Buena Vista, Camp McKinley, on board transports and at the prison. Not only flowers but fruit and literature have been quite freely distributed among the soldier boys.

The report of the treasurer and several of the superintendents of departments were given.

Mrs. Angie Newman who has been visiting in Honolulu several months gave an eloquent address. Her remarks were almost wholly confined to pleading for the soldiers who stop here on their way to Manila. She recognized the fact that we had done a marvelous work in the early part of the war and that it could not be kept up indefinitely, but a kind word or any little attention is so appreciated by them as she has found by experience. She related many little incidents of singular interest and I am sure that we all felt that in the future we would give to as many as came within our reach a little mother love to cheer them on their way, perhaps, to their death. It is sad to see these boys, for many of them are only boys, going out to fight for American supremacy in that far off region. But it is not for that alone. They will carry to those poor mistaken Filipinos the supreme blessing of American liberty. Mrs. Newman is a very magnetic speaker and her audience were enthused with the spirit of her subject.

After the meeting closed the ladies were served by a body of pretty young ladies with delicious cake and coffee and a most enjoyable social hour was spent on the lawn and in the spacious parlors and thus closed one of the most delightful anniversaries in the life of the Woman's Christian Temperance Union of the Hawaiian Islands.

M. A. HILTON GREENE, Recording Secretary.

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SUPREME COURT

Decides a Lahaina Case Appealed.

Decree of Circuit Court is Affirmed in Favor of the Pioneer Mill Company.

The Supreme Court in a decision signed by Justices Frear and Whiting has affirmed the decision of the lower court dismissing the bill on demurrer in the case of Hana, Umi Kukalani, her husband, and Lahaina Coffee and Fruit Company, Limited, against Pioneer Mill Company, Limited, an appeal from the Circuit Judge of the First Circuit.

The opinion of the Court is written by Justice Frear and is set forth in the syllabus as follows:

"H signed two deeds, one purporting to release her dower right, the other all her right, title and interest, in certain lands which had previously been mortgaged by her husband (she not joining or releasing her dower) and sold on foreclosure. H afterwards was informed that her grantee claimed that there was a defect in the foreclosure sale and that she had inherited through her daughter all the estate of her husband, the daughter and husband having died, and that consequently a fee simple title had been conveyed by her deeds. She then brought a bill for the cancellation of the deeds upon the ground of false and fraudulent representations that she had only a dower right. She did not show any defect in the foreclosure sale or show that she had more than a dower right, or that she executed the deeds in reliance upon any false representation that she had only a dower right. She alleged also that she did not know that her deeds purported to convey more than a dower right, but she did not allege that her grantee had misled her as to what they purported to convey or show why she did not know what they purported to convey.

"Held, on demurrer, that the bill was insufficient."

The history of the case is given below:

"This is a bill in equity for the cancellation of certain deeds on the ground of fraud and misrepresentation. The case comes here on appeal from a decree sustaining a demurrer to the bill and dismissing the bill.

"The bill alleges in substance: That one Kapakahi in 1887 mortgaged certain land owned by him situated at Lahaina, Maui, his wife, the plaintiff Hana, not joining or releasing her dower; that the mortgage was foreclosed in 1889; that the purchaser at the foreclosure sale conveyed the lands in 1892 to another, who, in 1896, conveyed them to the plaintiff corporation, which has since expended much money in improvements thereon; that Kapakahi died in 1887, leaving his said wife and a daughter surviving him; that the daughter died in 1896; and that Hana and her present husband, the plaintiff Umi Kukalani, whom she married in 1890, are lepers at the settlement on Molokai; that on March 29, 1889, the defendant obtained from Hana two deeds, one purporting to be a release of her dower, the other a release and quitclaim of all her interest in these lands, and also a deed from her husband giving his consent to her said deeds, and two days later brought an action of ejectment against the plaintiff corporation for these lands; that at the time and before the said deeds were executed Hana and her husband were informed by an attorney of defendant that Hana was conveying only a dower right by said deeds, and that neither said Hana nor her husband knew that she had any other than a dower right in these lands, or that either of the deeds purported to convey any other right; that the consideration expressed in said deeds, \$502 in all, is grossly inadequate for the interest of Hana and Umi Kukalani in said lands, and that these plaintiffs on account of her detention at said settlement were unable to travel and mingle with people who are familiar with the values of property, and were unable to form a just estimate of the value of the title of said Hana in said lands, and were induced to accept the said sum through the wilfully false and fraudulent representations of the defendant's agent that said Hana had no title or claim to said lands other than a right of dower, and the concealment of the fact that said Hana is heir of her said daughter and through her would inherit all estate left by Kapakahi, and the concealment of the value of the said Hana's interest in the said lands; that before signing said deeds the said Hana consulted her attorney in Honolulu by letter, and was advised by him to sign them, but that said attorney so advised without a full knowledge of the facts and upon misrepresentations of defendant's attorney that the said Hana had no interest in said lands other than a dower interest; that plaintiffs are informed and believe that defendant claims that said foreclosure sale was void by reason of certain alleged defects in the publication of the notice of intention to foreclose and of sale or otherwise, and that at the date of the said deeds the said Hana was entitled to said lands in fee simple, and that by said deeds the title to said lands became vested in the defendant; that upon being so informed the said Hana and Umi Kukalani declared said deeds to be void and thereupon, for the purpose of protecting the plaintiff corporation and to obtain a deed of all her interest in the said lands to the said plaintiff corporation.

"The prayer is for the cancellation of the deeds from Hana and her husband to the defendant."

There was no meeting of the Board of Health yesterday, Attorney General Young being otherwise engaged.

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Capital their reinsurance companies 25,000,000

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2-Subscribed Capital-£2,000,000

3-Reserve Fund-£1,000,000

4-Life and Annuity Funds-£8,950,970

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Revenue Life and Annuity Branches-£1,418,000

Branches-£1,418,000

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